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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,224	09/17/2001	Francois Broszniowski	VWF-516-A	6159
7590	10/02/2003			
Andrew R Basile Young & Basile Suite 624 3001 West Big Beaver Road Troy, MI 48084			EXAMINER GRAHAM, GARY K	
			ART UNIT 1744	PAPER NUMBER
DATE MAILED: 10/02/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/868,224

Applicant(s)

BROSNIEWSKI, FRANCOIS

Examiner

Gary K Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☒ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

Claim 12 is objected to because of the following informalities: In line 2, "places" should be ---placed---. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel '339 in view of Broszniowski '943.

The patent to Patel discloses the use of a multi-layered sensing device (3c) used to monitor perishable products to determine when their effect or available life is expired. The sensing device can employ azo compounds (col. 13, lines 4-12) and appears to have all the structure claimed for the sensing device. While Patel discloses particular use of the sensing device with perishable or food items, he does disclose that such devices can also be employed with nonfood items having lives ranging from a few hours to years (see background of the invention). Patel points out particularly that reactive chemical compounds can be monitored.

The patent to Broszniowski discloses a wear sensor (24) on wiper blades. The sensor determines wear by measuring exposure to oxidation. The concept being that a particular amount of oxidation equates to a worn out blade.

The patent to Patel discloses all of the above with the exception employing the sensor on wiper blades.

It would have been obvious to one of skill in the art to employ the monitoring device of Patel on a wiper blade, as clearly suggested by Broszniowski, to determine when the effective life of blade or rubber wiping compound is expired. It appears such could be employed to monitor shelf life of the blade rubber or actual operational life of the blade rubber. Patel clearly discloses that his sensing device can be used on nonfood items that degrade over time or have a finite life span. And Broszniowski clearly discloses the desirability to monitor wiper blades. Thus, employing the sensor of Patel on a wiper blade appears obvious.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel '339 in view of Broszniowski '943 as applied to claims 8 and 9 above, and further in view of Kydonieus et al '153.

The patents to Patel and Broszniowski disclose all of the above recited subject matter with the exception of a mask being provided on the sensor to be removed during mounting.

The patent to Kydonieus discloses the use of a mask (8) secured by adhesive layer (10) on his sensing device (fig.3) which is to be removed when activation is desired.

It would have been obvious to one of skill in the art to provide the sensing device of Patel with a protective mask, as clearly suggested by Kydonieus, to inhibit sensor activation until desired. Further, protective masks are well known in the sensor art.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 703-308-1270. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 703-308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read "Gary K. Graham". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Gary K Graham  
Primary Examiner  
Art Unit 1744

GKG  
22 September 2003